ORDR
BRYCE C. DUCKWORTH, ESQ.
Nevada Bar No. 004251
SMITH, LARSEN & WIXOM
1935 Village Center Circle
Las Vegas, Nevada 89134
(702) 252-5002
Attorneys for Plaintiff/Counterdefendant

FILED
March 7, 2008
Clerk of the Court

DISTRICT COURT
FAMILY DIVISION

CLARK COUNTY, NEVADA

CHARLES FRANK GIAMPA, Plaintiff/Counterdefendant,	)	
v.	)	CASE NO. 98D224029
VICTORIA MARGARET LUGO-GIAMPA,	)	
Defendant/Counterclaimant.	)	Date of Hearing: 2/27/07 Time of Hearing: 10:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERS

This matter came on for hearing before the above-entitled Court on (1) Defendant's Motion to Stay Judgment Pending Appeal; (2) Defendant's Motion for Reconsideration of the Court Order of September 26, 2007, on Plaintiff's Ex-Parte Motion to Show Cause Why Defendant Should Not Be Held in Contempt of Court; (3) Defendant's Motion for

Reconsideration of the Court's Oral Order to Vacate Defendant's Objection and Response to Plaintiff's Ex-parte Motion to Show Cause Why Defendant Should Not Be Held in Contempt of Court; Plaintiff's Motion for Contempt and for the Imposition of Sanctions Against Defendant and for an Award of Attorney's Fees; (4) Defendant's Countermotion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court for Deliberate and Willful Violation of Court Order(s) for Monthly Support; (5) Defendant's Countermotion to Strike Pursuant to NRCP 12(f) and Countermotion for Imposition of Sanctions Against Plaintiff; (6) Defendant's Countermotion for an Order.to Show Cause Why Plaintiff Should Not be Held in Contempt of Court for Deliberate and Willful Violation of Court Order(s) for Monthly Support; and (7) Plaintiff's Opposition and Countermotion for Sanctions Against Defendant in response t the foregoing Motions.

Plaintiff appeared in person and by and through his attorney, BRYCE C. DUCKWORTH, ESQ., of the law firm of SMITH, LARSEN & WIXOM. Defendant appeared in proper person. The Court, having reviewed the pleadings and paper on file herein, having heard oral argument, and good cause appearing therefore, enters the following Findings of Fact and Conclusions of Law:

(1) The Defendant has filed a Notice of Appeal of this Court's prior Order entered on September 26, 2007. Accordingly, this Court lacks jurisdiction to entertain the relief requested by way of Defendant's Motion for Reconsideration of the Court's Oral Order to Vacate Defendant's Objection and Response to Plaintiff's Ex-parte Motion to Show Cause Why Defendant Should Not Be Held in Contempt of Court; Plaintiff's Motion for Contempt and for the Imposition of Sanctions Against Defendant and for

an Award of Attorney's Fees. In this regard, those issues are the subject of an appeal, and the hearing scheduled for December 28, 2007, at 10:00 a.m., should be vacated.

(2) During the history of this litigation, the Defendant has filed numerous motions, frequently rearguing issues that previously were addressed by the Court. For the most part, Defendant's papers have been found to be non-meritorious or frivolous. Based on the frequency of her filing, as well as the nature of the issues raised in her papers, the Court finds the Defendant, VICTORIA LUGO-GIAMPA, to be a vexatious litigant.

(3) Defendant's Motion to Stay Judgment Pending Appeal lacks merit, and the same should be denied.

(4) Defendant's Countermotion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court for Deliberate and Willful Violation of Court Order(s) for Monthly Support lacks merit, and the same should be denied.

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the hearing currently set for December 28, 2007, at 10:00 a.m., should be, and hereby is, vacated. IT IS FURTHER ODERED that all pending hearing dates hereby are vacated by this Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, based upon this Court's finding that Defendant, VICTORIA LUGO-GIAMPA, is a vexatious

litigant, the Defendant herby is restrained and prohibited from filing any further motions and/or papers with the Court without first obtaining permission from the Court to file a motion and/or paper. IT IS FURTHER ORDERED that the Defendant is sanctioned the sum and amount of $1,500 in attorney fees payable to the Plaintiff as and for her filing of her Motion to Stay Judgment Pending Appeal. IT IS FURTHER ORDERED that the orders pertaining to the finding that Defendant is a vexatious litigant and the enforcement of the award of attorney's fees are stayed during the pending appeal. In this regard, IT IS FURTHER ORDERED that Defendant must obtain the permission of the Court to file any future motions.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Stay Judgment Pending Appeal be, and the same hereby is, denied. In this regard, the Court noted there is an appeal pending and there does not appear to be any pending judgment against Defendant to which a stay would apply.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant's Countermotion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court for Deliberate and Willful Violation of Court Order(s) for Monthly Support be, and the same hereby is, denied.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED that the hearing on Defendant's Defendant's Motion for Reconsideration of the Court Order of September 26, 2007, on Plaintiff's Ex-Parte Motion to Show Cause Why Defendant Should Not Be Held in Contempt of Court; her Motion for Reconsideration of the Court's Oral Order to

Vacate Defendant's Objection and Response to Plaintiff's Ex-parte Motion to Show Cause Why Defendant Should Not Be Held in Contempt of Court; her Motion for Contempt and for the Imposition of Sanctions Against Defendant and for an Award of Attorney's Fees; and Defendant's Countermotion for an Order to Show Cause Why Plaintiff Should Not be Held in Contempt of Court for Deliberate and Willful Violation of Court Order(s) for Monthly Support, be, and the same hereby are, vacated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant is to review and return the signed documents relative to the stock certificates to Plaintiff's counsel within seven days of the hearing hereon.

DATED this 6th day of March, 2008.

SANDRA L. POMRENZE
DISTRICT JUDGE

Submitted by:
SMITH, LARSEN & WIXOM

By BRYCE C. DUCKWORTH, ESQ.
Nevada Bar No. 004251
1935 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Plaintiff